

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

R. WAYNE JOHNSON,

Petitioner,

v.

UNITED STATES MARINE CORPS,

Respondent.

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2:13-CV-0066

ORDER ADOPTING REPORT AND RECOMMENDATION,
DENYING MOTION TO PROCEED *IN FORMA PAUPERIS*,
DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS,
and ASSESSING SANCTIONS

Petitioner has filed with this Court a petition for a federal writ of habeas corpus. On June 21, 2013, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner be denied permission to proceed *in forma pauperis*, that the instant habeas application be dismissed, and that petitioner be sanctioned for filing meritless suits. As of this date, no objections to the Magistrate Judge's Report and Recommendation have been filed of record.

Having made an independent examination of the record in this case, the undersigned United States District Judge is of the opinion the Magistrate Judge's Report and Recommendation should be, and hereby is, ADOPTED. Accordingly, petitioner's motion for leave to proceed *in forma pauperis* is hereby DENIED, and the petition for a writ of habeas corpus is hereby DISMISSED. Further, petitioner R. WAYNE JOHNSON is SANCTIONED as follows:

1. Petitioner shall be prohibited from filing any civil action, including habeas corpus actions, in this Court unless he has obtained leave of the Court

through a proper motion for leave to file such new lawsuit or petition. The motion for leave to file should be independent of any habeas corpus petition or civil rights complaint and must explain why the new lawsuit or petition is not frivolous and show good cause for the Court to accept and file it.

2. Any lawsuit, habeas corpus petition or civil rights complaint submitted by petitioner that is not accompanied by a motion for leave to file meeting the above requirements shall be filed, and the case opened and closed by the Clerk based upon this Sanction Order. "Filing" shall include civil actions received via transfer or removal. If any motion for leave is submitted and is not granted within ten (10) days, the Clerk shall consider the motion denied and immediately close the case.

IT IS SO ORDERED.

ENTERED this 15th day of July 2013.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE